

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Carlos MORALES-Flores,

Defendant

Magistrate Docket No. 08 MJ 02 27

COMPLAINT FOR VIOLATION OF:

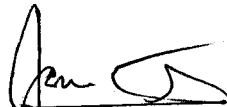
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

'08 MJ 02 27

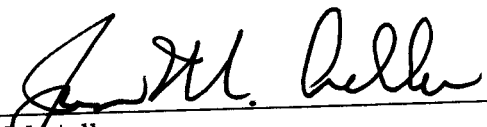
The undersigned complainant, being duly sworn, states:

On or about **January 24, 2008** within the Southern District of California, defendant, **Carlos MORALES-Flores**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **JANUARY**  
**2008**

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

*CEM*

### **PROBABLE CAUSE STATEMENT**

On January 24, 2008, Supervisory Border Patrol Agent A. Rivera was performing uniformed line watch duties in the Chula Vista Station's area of responsibility. At Approximately 7:30 a.m. Agent Rivera observed a group of suspected illegal entrant aliens north of the United States/Mexico International border near an area known as "No Name Canyon". "No Name Canyon" is located approximately four miles east of the Otay Mesa, California Port of Entry and three miles north of the United States/Mexico International Border.

Agent Rivera responded to the area where the individuals were last seen and began searching the area. After a brief search of the area, Agent Rivera found 14 individuals attempting to conceal themselves in some brush. Agent Rivera approached the individuals, identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship. When asked of what country they were citizens, each individual, including an individual later identified as the defendant **Carlos MORALES-Flores**, answered "Mexico". When asked if anyone had any immigration documents allowing them to legally be or remain in the United States everyone, including the defendant answered "No". At approximately 7:50 a.m. all 14 individuals, including the defendant were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on January 17, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.